July 15, 1997

Dear Harold:

Enclosed are a few pages on the Lovelady affair. These are rough or first draft pages.

I have planned two chapters on the murder. I trust I do not have to expand them to bring it all in. One, showing it was a conspiracy. Two, removing Oswald from the murder. These pages fit in the 2nd one, removing Oswald.

This chapter has four parts of which this is part III.

Part I showing Oswald did not carry a rifle into the TSBD that morning.

Part II showing Oswald was on the first floor just prior to the murder.

Part III showing Oswald was standing in the doorway, the Lovelady affair.

Part IV showing Oswald's movements right after the murder.

If you could comment I would appreciate it.

Regards,

Dave Wrone

David

good what we & lawyers knew about each explicit rather than implicit sinking of rifle - where it was Weitzman?

Draft 7-14-97

Part III. Oswald in the Doorway of the Texas School Book Depository at 12:30

Introduction

At the time of the Assassination, 12:30

The official account.

Supporters of the official account of the assassination

Federal Investigators and Altgens Evidence

1. November 22-Feb. 23: the successful avoidance.
2. February 24-May 23: rebuttal tactics decided.
3. May 24-Sept. 8: the controlled forced examination.

Check index to get all records

Critics and the Altgens Figure.

Conclusionn

We have seen that just prior to the 12:30 assassination of President Kennedy several good witnesses undisputedly place Oswald on the first floor of the Depository, making it impossible for him to have been on the sixth floor by the critical time. This excludes Oswald from being the assassin. Our examination further showed that the investigating officials, the Warren Commission staff, the Secret Service, and the Federal Bureau of Investigation, consistently and knowingly ignored, altered, or masked this evidence.

Now we turn to another element establishing Oswald's innocence, his location at the precise time of the assassination, 12:30. The evidence will demonstrate that Oswald can with almost 100% certainty be proven to have benignly stood in a crowd of spectators on the steps of the Depository watching the motorcade.

At the Time of the Assassination, 12:30 p.m.

At 12:30 assassins killed President John F. Kennedy. Just before the death shot a fifty-three year old photographer for the Associated Press, James W. "Ike" Altgens, standing on the grass across Elm Street and a few yards west of the Depository's front

doors, snapped a black and white picture of the motorcade.[1] He used a Nikkorex 35-mm. camera with a 105 mm. telephoto lens, and Tri-X film. In the background one almost certainly sees Oswald standing in the doorway of the Texas School Book Depository. He could not have also been at the same time on the sixth floor and thus is not the assassin.

The Official Account.

The Warren Commission's *Report* presented the judgment of the official investigators of the evidence contained in the photograph.[2] After supplementary interviews and examinations the Commission concluded one saw not Oswald on the steps looking at the passing motorcade, but his twenty-six year old co-worker Billy Nolan Lovelady, who it alleged looked somewhat like him.[3] "The man on the front steps of the building," the Commission concluded, "thought or alleged by some to be Lee Harvey Oswald, is actually Billy Lovelady, an employee of the Texas School Book Depository, who somewhat resembles Oswald."[4]

In addition to Lovelady identifying the figure as himself it cites two witnesses, Buell Wesley Frazier, a fellow employee, and William Hoyt Shelley, Oswald's supervisor, as persons on the steps who saw Lovelady standing.[5] On page 113 it prints a purported copy of the photograph.[6] All subsequent federal investigations have accepted the Warren Commission's findings on the photograph and Lovelady without comment.

Supporters of the official account of the assassination.

---

[1]The Altgens-Oswald subject which follows is based largely on the work of Harold Weisberg. His books, *Whitewash* (Hyattstown: by the author, 1965), *Whitewash II* (Ibid., 1966, also in a Dell paperback edition); *Photographic Whitewash* (ibid., 1967),, and his files. I also utilize the 26 volumes *Hearings before the President's Commission on the Assassination of President Kennedy* (Washington: GPO, 1964).

[2]*Report of the President's Commission on the Assassination of President John Kennedy* (Washington: Government Printing Office, 1964), 112-115, 147, 152-154, 644.

[3]Ibid., 153-154, 644.

[4]Ibid., 644.

[5]Ibid., 149.

Not only do federal inquiries sustain the official account, but also every author, newspaper, and television station supporting the official account of the assassination either explicitly or implicitly concur. Of course, they absolutely must believe that singular person is Lovelady or they would have no possible way of putting Oswald on the sixth floor of the Depository and thus would wreck their support of the official account of the murder.

Every single supporter, moreover, blindly accepts the findings presented by the Commission without questioning the facts behind it or the statements presented as confirmation for their validity and without making any independent or private inquiry. In this respect the supporters simply and consistently repeat the Warren Commission's statements, faithful and happy echoes not scholars and not members of the classic American press.

The individuals accepting the official statements include the authors of the chain of best sellers supporting the Warren Commission's conclusions, all of whom we observe were positively reviewed by noted historians, leading political scientists, famous attorneys, and others in position of public trust and responsibilities. The list is led by William Manchester's *The Death of a President*[7], Jim Bishop's *The Day Kennedy was Shot*[8], Albert H. Newman's *The Assassination of John F. Kennedy*[9], Priscilla Johnson McMillan's *Marina and Lee*[10], Edward Jay Epstein's *Legend: The Secret World of Lee*

---

[6]Ibid., 113. It is actually cropped.

[7]William Manchester, *The Death of a President* (New York: Harper & Row, 1967).

[8]Jim Bishop, *The Day Kennedy Was Shot* (New York: Funk & Wagnalls, 1968).

[9]Albert H. Newman, *The Assassination of John F. Kennedy. The Reasons Why* (New York: Clarkson Potter, 1970).

[10]Priscilla Johnson McMillan, *Marina and Lee* (New York: Harper & Row, 1977).

Harvey Oswald[11], and CBS' four part 1967 series *Should We Now Believe the Warren Report?*[12] as well as those titles that fell short of the goal but made an impact nevertheless on public opinion. The less successful commercial ones include David Belin's *November 22, 1963*[13], and Jean Davison's *Oswald's Game*[14]. Less well-known books and scores of articles by the obscure and by the famous also embrace the conclusion[15].

But not one—not a single one--of the supporters, we must reiterate, do other than uncritically accept the Warren *Report's* conclusions as an immutable fact of history. I have minutely examined each of them for this point. To Priscilla McMillan it is an unspoken and unquestioned premise, to Jim Bishop it is color for his narrative, to William Manchester it is received established truth, and so on with the rest.

While not having done their duty as scholars, on occasion they gratuitously defame and libel those who have objectively examined the facts. The nationally famous commentator Eric Severied of CBS, for example, concluded the station's four part 1967 series by caustically referring to those who did not believe the official story with the epithet, "idiotic,"[16] certainly unbecoming language for one in such a position of influence and rested on his complete ignorance of the facts.

---

[11]Edward Jay Epstein, *Legend: The Secret World of Lee Harvey Oswald* (New York: Reader's Digest Books, 1978).

[12]Stephen White, *Should We NowBelieve the Warren Report?* (New York: The Macmillan Co., 1967).

[13]David W. Belin, *November 22, 1963: You Are the Jury* (New York: New York Times, 1973).

[14]Jean Davison, *Oswald's Game.* (New York: W. W. Norton, 1983).

[15]One need only refer to the *Reader's Guide to Periodical Literature*, 1964-1997, for the references to many articles in the popular press, most of them supportive of the official findings. Of others see as illustrations, Gerald R. Ford, *Portrait of the Assassin (*New York: Simon and Schuster, 1965); John Kaplan, "the Assassins," *The American Scholar* (1967), vol. 36.

[16]White, *Should We Now,* 302.

first rushed

Federal Investigators and Altgen's Evidence

Ike Altgens got his photograph of the motorcade with the Depository in the background onto the AP wires that afternoon, the first of the assassination photographs to circulate. The next morning the *Washington Post* filled half of its front page with a blow up of the picture. Magazines printed it.

The person in question is a tiny part of the picture, standing in the doorway of the Depository, his right shoulder slightly masked by a column. His body is skewing from the waist up as he follows the motorcade to his front and right. He is balding as Oswald was. He wears a long sleeve shirt with buttoned sleeves, the top three buttons of the shirt front are missing, and the right side of the front slightly crumpled exposing his white tee shirt, the left collar furls. The shirt shows in black and white film as a uniform dark color, but not black.

fleck

When Dallas police arrested Oswald his shirt resembled the shirt on the figure in the doorway in every particular, with the top buttons missing or open exposing the white undershirt, the sleeves were long and buttoned, the color brownish with thin gold threads randomly running through the fabric[17]. Oswald's hairline shows baldness.

The FBI and the Commission staff confronted a major problem on how to avoid the evidence in the photograph. They held their position of ignoring it for three months until the impact of wide public circulation arousing citizen inquiries and the increasing pressure by critics made it too difficult to circumvent. They then devised a successful method for controlling a Commission investigation and presented to posterity a false examination designed to avoid the primary facts.

FBI ? begins with concluded LHO

[17] 21H467-470, Shaneyfelt Exhibit 24; Commission Exhibits 1796, 1797, 2965; and, Oswald arrest photo in *Whitewash II,* photo section.

(1): November 22—February 23, the successful avoidance.

The Commission staff and the FBI never properly investigated the figure, but oddly relied on a single unsupported statement of an employee of the Depository. The night of the 23rd FBI agents called at Billy Lovelady's home, a co-worker with Oswald, carrying a blow-up of the person in the doorway and asked him to identify it. Lovelady said he was that man.[18] In fact, Lovelady looks a little like Oswald, with chin, face, baldness, and stature roughly the same. Lovelady would repeat his identification to various federal investigators for the next eight months. There is no question that his is an honest statement. But as we shall see the evidence does not sustain his mistaken opinion.

The FBI continued to rebut public reference to the figure in the doorway by use of Lovelady's denials. That it continued to distress the Commission staff is clear; the photograph, if of Oswald, destroyed their efforts to make him the assassin. J. Lee Rankin, the chief counsel for the Commission and former Solicitor General of the United States, had a large blow-up of the figure taped to his office wall. Yet, he and his staff refused to inquire further into the possibility it might be Oswald, relying on the simple naked comment of one Depository bookhandler, until forced to move.

(2): February 24—May 23, rebuttal tactics decided.

On February 24 critic Jones Harris and his attorney Arnold Krakower visited the office of chief counsel J. Lee Rankin to bring to his attention the figure in the doorway which appeared to be Oswald[19]. Rankin's office, they discovered, had blow-ups of the photograph on the wall. After they left, Rankin immediately wrote J. Edgar Hoover[20] to

---

[18]22H794.

[19]I follow Weisberg's narrative in *Whitewash II,* 241-262, 295-309.

[20]J. Edgar Hoover to J. Lee Rankin, March 9, 1964, WC file 457, reproduced in Weisberg, *Photographic Whitewash, 198-199.*

request support on refuting the Jones Harris information. On February 29 the FBI again interviewed Lovelady at its Dallas office and took photographs of him in the shirt he wore on the 22nd. Hoover sent Rankin three photographs of Lovelady[21]. They had snapped Lovelady against a light background wearing a short sleeved shirt with vertical red and white stripes, open at the front[22]. We have only the FBI's asserted and bald statement that this is the shirt Lovelady wore the 22nd. Bureau agents summarized statements given to them by persons, they did not record them verbatim. There is no independent check on FBI records. For all we know they photographed him in the shirt he happened to show up in at the FBI office that day. Obviously, this cannot be the Oswald shirt. His was long sleeved, dark, with buttons missing.

What the FBI had to do in this investigation of a key element in the murder of President Kennedy was normal police work, common sense even to a child in arms. It, and the Commission, had to direct Lovelady to produce and wear the exact shirt he wore that day with long sleeves and buttons missing. But it did not. Presumably it did not because Lovelady did not own such a shirt. If he did not own such a specific shirt then he could not be the figure in the doorway. It also had to take a reenactment photograph from the same spot Altgens stood in using the same camera and film, which it never did.[23]

During this period the staff conducted hearings of William H. Shelley, Buell Wesley Frazier, and Billy Nolan Lovelady that would be utilized to support the *Report's* conclusion that the figure was Lovelady. Shelley and Frazier were the two witnesses used to say Lovelady stood in the doorway.

---

[21] Ibid.

[22] Copy in photo section of *Whitewash II.*

[23] The FBI used a Speed Graphic camera to make a reenactment photograph. It did not snap from the spot Altgens stood in and thus it diminish its evidentiary value. See, *Report,* 112-115.

April 7, at 4:10 in the afternoon Commission assistant counsels Joseph A. Ball and Samuel A. Stern questioned William H. Shelley, manager of the Texas School Book Depository.[24] After Shelley described going outside to see the motorcade Ball, a nationally prominent professor of criminal law and criminal attorney, asked him "And who was out there?"[25] Shelley replied,

> "Well, there was Lloyd Viles of McGraw-Hill, Sarah Stanton, she's with Texas School Book, and Wesley Frazier and Billy Lovelady joined us shortly afterwards."[26]

Ball did not pursue any questions about Lovelady's resemblance to Oswald, but instead asked, "You were standing where?"[27] He meant the singular you, not the group just mentioned, for the next series of questions makes that clear. Thus, when the *Report* in refuting the charge Oswald is seen in the Altgens picture states Shelley saw Lovelady standing near the doors and cites his April 7 testimony, it is wrong.[28] Shelley never said to Ball that Lovelady stood; only that he was outside. Bell never asked about Lovelady's shirt.

We also find Shelly gave a March 18 statement to FBI SAs E. J. Robertson and Alfred D. Neeley, utilized by Ball to prepare for the hearing, Shelley gave a firm location to Lovelady. "Billy N. Lovelady, who works under my supervision for the Texas School Book Depository," he said, "was seated on the entrance steps just in front of me."[29] Seated, Lovelady could not be standing in the doorway.

---

[24]6H327-334.
[25]Ibid., 328.
[26]Ibid.
[27]Ibid.
[28]Ibid.; *Report,* 149.
[29]March 18, 1964, Statement of William H. Shelley, 22H673.

In addition to Shelley the *Report* uses Buell Wesley Frazier, another employee, to place Lovelady standing.[30] On March 11, at 9:45 in the morning Joe Ball questioned him.[31] The location of Lovelady and the identification of the figure in the picture is not a concern for Ball. The issue comes in indirectly. In a casual aside to counselor Ball the nineteen year old Frazier mentions standing on the front steps talking to people including Lovelady waiting for the motorcade, but does not in fact say that Lovelady is standing.[32] Ball does not ask him, although he knew it was important information to obtain. Ball shows not the least interest in having him identify the figure in a copy of the Altgens photograph but quickly goes on to the next point. The type and color shirt worn by Lovelady is also ignored.

In altgens.

We have to conclude the *Report* falsely cites Frazier as evidence to Lovelady standing. Both of its references then for a "standing" Lovelady are not substantiated when examined. The evidence indicates Lovelady sat and his testimony is garbled on the question.

On April 7, Ball and Stern took the testimony of Billy Lovelady.[33] Here again the desultory, skimming attention to information on the steps is repeated. Lovelady informed Ball that near noon he decided to " . . . eat my lunch out there, set on the steps . . ."[34] And, then to Ball's "You ate your lunch on the steps?" he said "Yes, sir."[35] Lovelady never explicitly says he stood. But Lovelady does mark a copy of the Altgens photograph identifying himself as the person in the doorway.[36] Ball ignored the shirt

---

[30]*Report,* 149.
[31]2H210-245.
[32]2H233.
[33]6H336-341.
[34]6H338.
[35]Ibid.
[36]Ibid., 238-239.

Lovelady wore on the 22nd, although that was one of the most critical pieces of information in the entire assassination investigation.

After these three witnesses the Commission staff appears to have rested on the Lovelady question, content apparently with that curious set of irrelevant photographs that did not address the critical information and with the rambling non-related testimony. No attempt was made to question other employees of the Depository standing on the steps as to the location of Oswald, the type of shirt Lovelady wore, or where Lovelady was. Then, suddenly, investigators had to rebuff another effort of critics to bring out the evidence.

(3): May 24—September 8: the controlled forced examination.

On May 24, 1964, *The New York Herald Tribune* published an article by Dom Bonafedde, "The Picture With a Life of Its Own," detailing the resemblance of the figure in the doorway with Lee Harvey Oswald and the Jones Harris incident. He asked why Altgens had never been called as a witness.[37] On May 25, the Maggie Daly column in *The Chicago American* asked why either the FBI or the Warren Commission had never questioned Altgens. "Isn't it odd . . ." she wrote?[38] These triggered an immediate Commission and Bureau response. Not to do what would be correct in a criminal investigation, but to control the issue.

Seven months after the assassination, on June 2, 1964, the FBI finally interviewed Altgens[39] and on July 22, eight months afterwards the Commission took testimony from him.[40] For its heavy work it brought out assistant counsel Wesley Liebeler, a thirty-three

---

[37]*The New York Herald Tribune,* May 24, 1964.
[38]*The Chicago American,* May 25, 1964.
[39]Copy of in Weisberg, *Photographic Whitewash,* 201-206.
[40]7H515-525.

year old distinguished graduate of the University of Chicago Law School, who accomplished a masterful task of avoiding key information and essentially merely fulfilled the form of a hearing. With questions sometimes injected with a tone of sarcasm and impatient with Altgens' honest and innocent witness, he rammed through the examination. He did not accurately locate the precise spot Altgens stood to take the photograph and did not take data on the type of camera and film, all critical to a reenactment, among many other omissions.[41]

Liebeler did not enter into evidence the original negative and a complete copy of the picture, although the photograph was the sole reason Altgens appeared. Neither the Commission nor the FBI acquired a true full copy, which is one of the more unbelievable aspects of the Lovelady episode. No instance of the full photograph appears in the *Report* or its 26 volumes. We discover the staff and the FBI used only clipped versions, a gross violation of the standards of examining criminal evidence.

The Altgens hearing is a scandal, but since Liebeler conducted it behind closed doors without adversarial counsel present he succeeded.[42]

Critics and the Altgens' Figure.

Early critics of the Warren *Report* worked on the murder of JFK against heavy official and media resistance, secrecy, lack of access, and severely limited resources. Yet, they accomplished much.

An important collateral support witness of the figure in the doorway being Oswald they brought forward is Mrs. R. E. Arnold, a Depository employee. She gave

---

[41] Weisberg, *Whitewash II,* as previously cited. See, photo section for photo-map inaccurately marked by Liebeler.

[42] The best account is in Weisberg's three books already cited, especially *Photographic Whitewash., 65-77.*

two statements avoided by the Commission staff. On November 26 to FBI SA R. E. Harrison, she related when she left the building to watch the motorcade "she thought she caught a fleeting glimpse of LEE HARVEY OSWALD standing in the hallway between the front door and the double doors leading to the warehouse, located on the first floor."[43] In an additional statement given March 18 to SAs Robertson and Trettis she swore she left the building "at about 12:25 PM".[44] This sustains the Oswald presence in the doorway and makes him innocent.

Critical information on the shirt appeared. In late 1966, approximately, Patricia, the wife of Billy Lovelady, telephoned critic Harold Weisberg in Frederick, Maryland, stating that she and Billy had the shirt he wore the 22nd in a lock deposit box. It was a red and black plaid, (what is popularly known as a buffalo plaid). She wanted $5,000 for it. He declined.[45]

Within a few weeks of his conversation with Mrs. Lovelady, Bob Richter of CBS contacted him.[46] Richter was the Associate Director of CBS' documentary on the assassination then being filmed whose assignment was to contact the critics.[47] He wanted Weisberg to suggest areas that ought to be looked into by the team. Weisberg suggested he might want to contact the Loveladys and film Billy wearing the red and black plaid shirt. Richter contacted them and filmed Billy in the shirt.[48] Unfortunately the film did not make the final cut for the documentary, but it does establish that the shirt did exist as she said and was worn that day.

---

[43]*Photographic Whitewash,* 210, reproduces it.
[44]Ibid., 211.
[45]Interview Harold Weisberg.
[46]Interview Harold Weisberg.
[47]White, *Should We Now,* 205.
[48]Weisberg interview & notes on.

Definitive proof for Lovelady's actual shirt worn on the 22nd came a few years later. Weisberg advised the film critic Robert Groden, then in the process of studying the assassination films, that he search the DCA film for evidence of Lovelady's presence and indicated a starting point.[49] The National Archives has a collection of 8 mm. color movies of JFK's visit to Dallas made by citizens of a film club. Wolper productions bought the rights and produced an edited 16 mm. film version entitled "President Kennedy's Last Hour".[50]

On a poorly exposed portion of John Martin's color film Groden found a frame taken just after the assassination that showed Billy Lovelady on the Depository steps.[51] He wears the red and black checked shirt and has what appears to be a black beard, as if he had not shaved for several days.[52] This is not the shirt the FBI attributed to Lovelady and recorded photographs of for the Commission and cannot be Oswald's. The FBI and the Commission staff used an improper photograph to rebut the claim that Oswald stood in the doorway.

Conclusion.

On Ike Altgens' small negative appeared a tiny segment showing a figure in the doorway of the School Book Depository, making an enlargement slightly fuzzy and difficult to analyze. The FBI and the Warren Commission staff fought a hard battle to block a proper investigation of the film and keep information vital to its understanding from entering the public record. In the process of control these distinguished men also successfully cobbled the evidentiary remains to make an exhaustive re-examination of the

---

[49] Interview Weisberg.

[50] *Whitewash II,* 242. Dell. The film is in the Archives not because the Commission or FBI sought it or even examined it, but because Wolper productions bought the rights, made a 16-mm. Version and both the original and copyright copies to the Archives.

issue today impossible. What information, however, that has worked itself into the public record is sufficiently clear, ample, and credible enough to conclude with almost certainty that the figure in the doorway is Lee Harvey Oswald.

The only possible area of doubt arises from my lack of photographic expertise. Conceivably there is an element that might require a modification of the statement. It appears unlikely. But it is a possibility. shot in particular

On the basis of this photograph and its evidence alone Oswald could not have shot President Kennedy and is innocent.

***

We now must turn now to Oswald's movements immediately after the assassination until he left the building. This requires us to discuss two different features of the evidence. The first will be positive, demonstrating by testimony that right after the shooting he was on the first floor, compatible with his doorway stance and impossible to accommodate a sixth floor shooting. In addition to establishing his presence we shall also demonstrate the official evidence that moves him down the stairs to the second floor lunch room to confront an investigating police officer is bogus, corrupt, and false, harsh terms that we hope to prove are fully merited and accepted by candid individuals as reflective of the reality.

The evidence will lead us to conclude that Oswald remained on the first floor and had not been on the sixth floor, thus removing him from any role in the murder of President Kennedy.

---

[51]Color slide of.
[52]Ibid.